

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EARLE E. AUSHERMAN, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. MJG 01-438
)	
BANK OF AMERICA CORPORATION, <i>et al.</i>)	
)	
Defendants.)	

MOTION TO FILE UNDER SEAL

Respondent, Rodney R. Sweetland, III, by and through his counsel, Pamela A. Bresnahan and Peter F. Axelrad, hereby moves, pursuant to Md. Local Civil Rule 705.1.e, for an Order sealing the Motion for an Extension to respond to Defendants' motion for attorneys' fees, and any opposition thereto and any other pleadings or orders related to this issue. The grounds for this motion are as follows:

1. United States District Court for the District of Maryland Local Civ. R. 705.1.e provides that attorney disciplinary proceedings shall be confidential "except that any opinion and order entered by the Court disbaring, suspending, or imposing other discipline upon an attorney shall be placed on the public record."
2. Unless or until an opinion or order is entered imposing any discipline on Mr. Sweetland, the disciplinary proceedings pending against him are confidential. If the Court imposes discipline on Mr. Sweetland, only the opinion and order by the Court would be placed on the public record.

3. Mr. Sweetland has filed a Motion for an Extension of Time in which to respond to Defendants' Motion for Attorneys' Fees in this matter. Mr. Sweetland seeks a short extension of time until after a final determination is made in the pending disciplinary hearing in which to respond to Defendants' motion for fees.

4. In support of his Motion for an Extension, Mr. Sweetland has provided confidential information to this Court regarding the disciplinary hearing and the issues to be addressed in that hearing.

5. This case, *Ausherman, et al. v. Bank of America, et al.*, is currently accessible via the Court's Pacer system. Any person with access to Pacer can easily discern the nature of this proceeding, its status, and can potentially review the pleadings and orders filed therein.

6. The ability to obtain information through this case about Mr. Sweetland's confidential disciplinary proceeding, and, in fact, the ability to discover that the disciplinary proceeding even exists, is inconsistent with the confidentiality provisions set forth in Rule 705.1.e. and could serve as a means to circumvent the Court's confidentiality provisions.

7. Mr. Sweetland is a practicing attorney. The disciplinary proceeding pending against him is privileged and confidential. Dissemination of the allegations against him could damage his standing and reputation in the legal community and in the community at large.

WHEREFORE, based upon the foregoing, Respondent Rodney R. Sweetland, III respectfully requests that this Court seal the United States District Court for the District

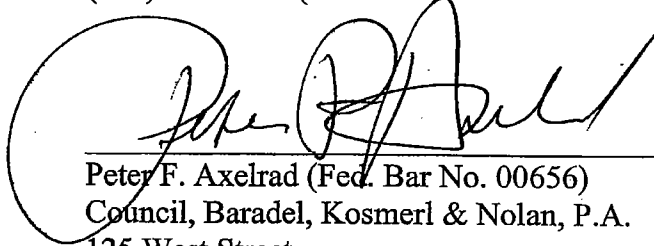
of Maryland file in this matter with regard to Defendants' Motion for Attorneys' Fees, including any pleadings, motions, correspondence and orders filed therein. A proposed Order is attached.

Dated: February 9, 2004

Respectfully Submitted,



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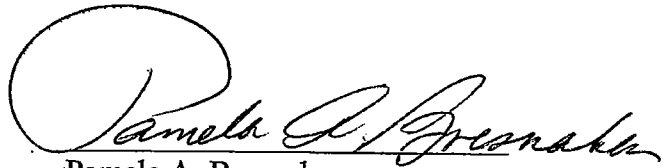
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Counsel for Rodney R. Sweetland, III

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b)(2)(D) and the Local Rules, I hereby certify that on this 9th day of February, 2004, true copies of the foregoing Motion to File Under Seal was filed electronically. Service of this filing to all parties, including those listed below, will be accomplished by operation of the Court's ECF system and U.S. mail, and parties may access this filing through the Court's system:

Ava Lias-Booker
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Pamela A. Bresnahan